

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

SNUGGLYCAT, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 18-03110-CV-S-SRB
)	
OPFER COMMUNICATIONS, INC., et al.,)	
)	
Defendants.)	

ORDER

Before the Court is Motion for Order to Show Cause Why Plaintiff SnugglyCat, Inc. and Non-Party Fred Ruckel Should Not be Held in Contempt of Court for Violating This Court's Mediation and Assessment Program General Order. (Doc. #40). The motion is granted. Plaintiff SnugglyCat, Inc. and Plaintiff's representative Fred Ruckel are ordered to file a statement **on or before August 9, 2018**, showing cause why they should not be held in contempt of court. Defendants may file a reply **on or before August 20, 2018**. Additionally, the parties shall appear before this Court on **August 22, 2018, at 2:30 p.m.** at the Charles Evans Whittaker U.S. Courthouse, 400 E. 9th Street, Kansas City, MO 64106, Courtroom 7B, to allow Plaintiff SnugglyCat, Inc. and Plaintiff's representative Fred Ruckel to show cause why this Court should not find them in contempt of court.

On July 18, 2018, the parties mediated this case without success. The mediation was confidential as ordered by the Court's Mediation and Assessment Program General Order, which required "[a]ny communication not under oath made in connection with any proceeding in the [Mediation and Assessment] Program . . . not be disclosed to anybody unrelated to the Program by the parties, their counsel, Mediators or any other participant in the Program" (Doc. #2-1,

p. 11). Defendants claim Plaintiff SnugglyCat, Inc. and its representative Fred Ruckel violated this confidentiality order. Defendants move for an order to show cause, with suggestions in support and exhibits, seeking to have Plaintiff SnugglyCat, Inc. and Plaintiff's representative Fred Ruckel show cause why they should not be held in contempt of court for violating the Court's Mediation and Assessment Program General Order.

This Court, having considered the motion, supporting suggestions, and exhibits, finds sufficient cause to believe that Plaintiff SnugglyCat, Inc. and Plaintiff's representative Fred Ruckel may be in contempt of court for violating one of its orders. Accordingly, the Court orders Plaintiff SnugglyCat, Inc. and Plaintiff's representative Fred Ruckel to file a statement **on or before August 9, 2018**, showing cause why they should not be held in contempt of court. Defendants may file a reply **on or before August 20, 2018**. Additionally, the parties shall appear before this Court on **August 22, 2018, at 2:30 p.m.** at the Charles Evans Whittaker U.S. Courthouse, 400 E. 9th Street, Kansas City, MO 64106, Courtroom 7B, to allow Plaintiff SnugglyCat, Inc. and Plaintiff's representative Fred Ruckel to show cause why this Court should not find them in contempt of court.

IT IS FURTHER ORDERED that Plaintiff SnugglyCat, Inc. and Plaintiff's representative Fred Ruckel shall serve upon Defendants' counsel any answering affidavits, pleadings, legal memoranda, or other evidence and exhibits on which Plaintiff SnugglyCat, Inc. and Plaintiff's representative Fred Ruckel will rely not less than three (3) business days before the hearing scheduled above. If Plaintiff SnugglyCat, Inc. and Plaintiff's representative Fred Ruckel intend to present the testimony of any witness at the hearing to show cause in this matter, they shall, at least forty-eight (48) hours prior to the scheduled hearing, serve on Defendant's counsel a statement of the name, address, and telephone number of any such witness.

IT IS SO ORDERED.

/s/ Stephen R. Bough

STEPHEN R. BOUGH

UNITED STATES DISTRICT JUDGE

DATE: July 26, 2018